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REGISTRATION SYSTEMS, INC.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

AARON P. BROOKS AND ALISA R. BROOKS,

Plaintiffs,
v.

LEHMAN BROTHERS HOLDINGS INC.,
AXIOM FINANCIAL INCORPORATED,
AURORA LOAN SERVICES,
CITIMORTGAGE INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
JOHN DOES I and II, and JOHN DOES 3
through 10, inclusive,

Defendants.

Case No. 2:11-cv-00531-GMN -RJJ

**ORDER GRANTING MOTION TO
DISMISS FILED BY CITIMORTGAGE,
INC. AND MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.**

Defendants, CITIMORTGAGE, INC.(hereinafter, "CMI") and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (hereinafter, "MERS"), by and through their attorneys, Wolfe & Wyman LLP, filed a Motion to Dismiss Plaintiffs' Complaint pursuant to F.R.C.P. Rule 12(b)(6) on May 11, 2011 (Docket No. 11). Pursuant to Local Rule 7-2(b), any Response and/or Opposition to such Motion must be filed with the Court and served within fourteen (14) days after service of the Motion. Consequently, Plaintiffs were required to file a Response and/or Opposition no later than May 30, 2011. No TIMELY Response was filed.

The Court having considered the moving papers, its own files, and good cause appearing, rules as

1 follows:

2 1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to Defendants' Motion for
3 Summary Judgment was required to be filed with the Court and served within fourteen days after service
4 of the motion. No timely Response and/or Opposition had been filed by the Plaintiffs regarding this
5 matter. Pursuant to Local Rule 7-2(d), the failure of an opposing party to file Points and Authorities in
6 response to any motion shall constitute consent to the granting of the motion.

7 2. The Court may grant the Motion to Dismiss for failure to follow local rules. *Ghazali v. Moran*,
8 46 F.3d 52 (9th Cir. 1995). Before dismissing the action, the district court is required to weigh several
9 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
10 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of
11 their merits; and (5) the availability of less drastic sanctions. The Court has considered these factors and
12 finds that Plaintiffs have received notice and have been given ample time to respond.

13 IT IS THEREFORE ORDERED, that based on the foregoing, the Motion to Dismiss is
14 GRANTED and Defendants, CMI and MERS, are hereby dismissed without prejudice.

15 **IT IS SO ORDERED** this 10th day of June, 2011.

16
17 Respectfully submitted,

18 WOLFE & WYMAN LLP



Gloria M. Navarro
United States District Judge

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21 By: /s/ Sarah A. Gaskill

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